



**PATENT**

Attorney Docket No.: A-1459/US/2 459761-26

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of:

Starzl, et al.

Serial No.: 10/084,632

Filed: February 25, 2002

For: *Enumeration Method of Analyte  
Detection*

Group No. 1641

Examiner: Lum, Leon Yun Bun

US Express Mail Receipt No. EV 695993504 US

Mailed: February 6, 2006

**SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Sir:

In satisfaction of the duty of disclosure under 37 C.F.R. § 1.56, and in accordance with the provisions of 37 C.F.R. §§ 1.97 and 1.98, Applicants wish to draw the attention of the U.S. Patent and Trademark Office to the references cited on the accompanying form PTO/SB/8A. In accordance with 1287 Off. Gaz. Pat. Office 163, 10/19/2004, no copies of U.S. patents and U.S. published applications are enclosed. Copies of foreign patents and non-patent literature are enclosed.

Further, in accordance with the provisions of 37 C.F.R. §§ 1.97(c) and 1.97(e)(1), the undersigned certifies that the references listed on the enclosed substitute for form PTO-1449 marked with the symbol (†) were first cited in an International Search Report dated June 27, 2003, for counterpart PCT application PCT/03/06086. A copy of the International Search Report for the counterpart PCT application is enclosed herewith.

References cited in the search report and not cited herein have been previously disclosed by Applicants in the instant application.

**Statement of Relatedness**

Further, in satisfaction of the duty of disclosure under 37 C.F.R. § 1.56, and as required by M.P.E.P. § 2001.06(b), Applicant notes that the present application is related to the following pending patent applications:

1. U.S.S.N. 11/303803, entitled *Rapid Microbial Detection and Antimicrobial Susceptibility Testing*, filed December 16, 2005,

Serial No. 10/084,632  
Filing Date: February 25, 2002

2. U.S.S.N. 10/084,632, *Enumeration Method and Analyte Detection*, filed February 2, 2002
3. U.S.S.N. 09/311,663, *Enumeration Method and Analyte Detection*, filed May 13, 1999,  
now abandoned

Nothing herein shall constitute an admission concerning the contents of any of the cited references, nor shall the inclusion of a reference herein be considered an admission that the reference constitutes prior art against the invention claimed in the above-identified application. Submission of the present document shall not be construed as an admission that a search has been made or that better art does not exist.

As far as is known to the undersigned, in accordance with 37 C.F.R. § 1.97(b)(4), this Information Disclosure Statement is being filed before the mailing of a first office action following a Request for Continued Examination under § 1.114 and therefore no fee is required. While no further fee is believed to be due, if this belief is in error, the Commissioner is authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 50-2319 (Our Order no. 1459/US/2 459761-26)

Respectfully submitted,

DORSEY & WHITNEY LLP

  
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Robin M. Silva, Reg. No. 38,304

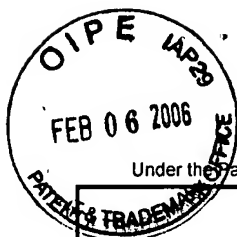
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Attachments : Form PTO/SB/8A, Substitute for form 1449  
References (37)  
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<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  (use as many sheets as necessary)			<b>Complete if Known</b>		
			Application Number	10/084,632	
			Filing Date	February 25, 2002	
			First Named Inventor	Starzl et al.	
			Art Unit	1641	
			Examiner Name	Leon Yun Bon Lum	
Sheet	1	of	7	Attorney Docket Number	Docket 1459/US/2 459761-26

U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. <sup>1</sup>	Document Number Number-Kind Code <sup>2</sup> (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
	A1	† US-4487839	12-11-1984	Kamentsky	
	A2	† US-4537861	08-27-1985	Elings et al.	
	A3	2001/0053535 A1	12-20-2001	Bashir et al.	
	A4	2003/0036054 A1	02-20-2003	Ladisch et al.	
	A5	2003/0119028	06-26-2003	Graves et al.	
	A6	2003/0157587 A1	8-21-2003	Gomez et al.	
	A7	2005/0048599 A1	03-03-2005	Goldberg et al.	
	A8	US-3935073	1-27-1976	Waters	
	A9	US-4259442	3-31-1981	Gayral	
	A10	US-4778758	10-18-1988	Ericsson et al.	
	A11	US-5240618	08-31-1993	Caldwell et al.	
	A12	US-5405783	4-11-1995	Pirrung et al.	
	A13	US-5656432	8-12-1997	Claverys et al.	
	A14	US-5849486	12-15-1998	Heller et al.	
	A15	US-5866345	02-02-1999	Wilding et al.	
	A16	US-6017696	1-25-2000	Heller	
	A17	US-6043048	3-28-2000	Johnston et al.	
	A18	US-6051380	4-18-2000	Sosnowski et al.	
	A19	US-6054270	4-25-2000	Southern	
	A20	US-6099803	8-8-2000	Ackley et al.	
	A21	US-6101946	8-15-2000	Martinsky	
	A22	US-6136171	10-24-2000	Frazier et al.	
	A23	US-6245508	6-12-2001	Heller et al.	
	A24	US-6264825 B2	07-24-2001	Blackburn et al.	

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	A25	US-6290839 B1	09-18-2001	Kayyem et al.	
	A26	US-6379897	4-30-2002	Wiedenhammer et al.	
	A27	US-6391577	05-21-2002	Mikkelsen et al.	
	A28	US-6403367	6-11-2002	Cheng et al.	
	A29	US-6472166 B1	10-29-2002	Wardlaw et al.	
	A30	US-6551841 B1	04-22-2003	Wilding et al.	
	A31	US-6605453 B2	06-26-2003	Graves et al.	
	A32	US-6611765 B2	08-26-2003	Boeufgras et al.	
	A33	US-6841379	01-11-2005	Matson	
	A34	US-6844028	01-18-2005	Mao et al.	

FOREIGN PATENT DOCUMENTS						
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	B1	WO 00/24941	05-04-2000	Bamdad et al.		
	B2					

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	C1	Ateya, D.A., Sachs, F., Gottlieb, P.A., Besch, S., and Hua, S.Z. (2005) Volume cytometry: microfluidic sensor for high-throughput screening in real time. <i>Anal Chem</i> 77, 1290-4.	

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			Art Unit	1641	
			Examiner Name	Leon Yun Bon Lum	
Sheet	3	of	7	Attorney Docket Number	Docket 1459/US/2 459761-26

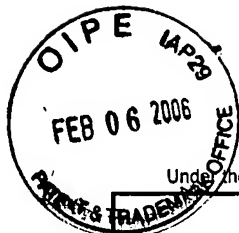
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	C2	Bae, Y.M., Oh, B.K., Lee, W., Lee, W.H., and Choi, J.W. (2004) Immunosensor for detection of Yersinia enterocolitica based on imaging ellipsometry. <i>Anal Chem</i> <b>76</b> , 1799-803.	
	C3	Balaban, N.Q., Merrin, J., Chait, R., Kowalik, L., and Leibler, S. (2004) Bacterial persistence as a phenotypic switch. <i>Science</i> <b>305</b> , 1622-5.	
	C4	Barton, A.J., Sagers, R.D., and Pitt, W.G. (1996) Measurement of bacterial growth rates on polymers. <i>J Biomed Mater Res</i> <b>32</b> , 271-8.	
	C5	Bridson, E.Y., and Gould, G.W. (2000) Quantal Microbiology. <i>Lett. Appl. Microbiology</i> <b>30</b> , 95-98.	
	C6	Cabrera, C.R., and Yager, P. (2001) Continuous concentration of bacteria in a microfluidic flow cell using electrokinetic techniques. <i>Electrophoresis</i> <b>22</b> , 355-62.	
	C7	Dai, J., Ito, T., Sun, L., and Crooks, R.M. (2003) Electrokinetic trapping and concentration enrichment of DNA in a microfluidic channel. <i>J. Am. Chem. Soc.</i> <b>125</b> , 13026-27.	
	C8	Delehanty, J.B., and Ligler, F.S. (2002) A microarray immunoassay for simultaneous detection of proteins and bacteria. <i>Anal Chem</i> <b>74</b> , 5681-7.	
	C9	Desai, M.J., and Armstrong, D.W. (2003) Separation, Identification, and Characterization of Microorganisms by Capillary Electrophoresis. <i>Microbiology and Molecular Biology Reviews</i> , 38-51.	

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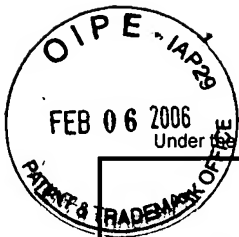
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Sheet	4	of	7	Attorney Docket Number	Docket 1459/US/2 459761-26

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	C10	Elfwing, A., LeMarc, Y., Baranyi, J., and Ballagi, A. (2004) Observing growth and division of large numbers of individual bacteria by image analysis. <i>Appl Environ Microbiol</i> 70, 675-8.	
	C11	Ertl, P., and Mikkelsen, S.R. (2001) Electrochemical biosensor array for the identification of microorganisms based on lectin-lipopolysaccharide recognition. <i>Anal Chem</i> 73, 4241-8.	
	C12	Ertl, P., Wagner, M., Corton, E., and Mikkelsen, S.R. (2003) Rapid identification of viable <i>Escherichia coli</i> subspecies with electrochemical screen-printed biosensor array. <i>Biosens Bioelectron</i> 18, 907-16.	
	C13	Forero, M.G., Cristobal, G., and Alvarez-Borrego (2003) in "Applications of Digital Image Processing XXVI" (Tescher, A.G., Ed.), Vol. 5203, pp. 71-81, SPIE.	
	C14	Friedman, N., Vardi, S., Ronen, M., Alon, U., and Stavans, J. (2005) Precise Temporal Modulation in the Response of the SOS DNA Repair Network in Individual Bacteria. <i>PLoS Biol</i> 3, e238, pps. 1261-1263.	
	C15	Geesey, G.G., and White, D.C. (1990) Determination of bacterial growth and activity at solid-liquid interfaces. <i>Annu Rev Microbiol</i> 44, 579-602.	
	C16	Huang, T., Geng, T., Sturgis, J., Haibo, L., Gomez, R., Bashir, R., Bhunia, A.K., Robinson, J.P., and Ladisch, M. (2003) Lysozyme for capture of microorganisms on protein biochips. <i>Enzyme and Microbial Technol</i> 33, 958-66.	
	C17	Huang, Y., Ewalt, K.L., Tirado, M., Haigis, R., Forster, A., Ackley, D., Heller, M.J., O'Connel, J.P., and Krihak, M. (2001) Electric Manipulation of Bioparticles and Macromolecules on Microfabricated Electrodes. <i>Anal Chem</i> 73, 1549-59.	
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	C18	Ji, J., Schanzle, J.A., and Tabacco, M.B. (2004) Real-time detection of bacterial contamination in dynamic aqueous environments using optical sensors. <i>Anal Chem</i> <b>76</b> , 1411-8.		
	C19	Koh, C.G., Tan, W., Zhao, M.Q., Ricco, A.J., and Fan, Z.H. (2003) Integrating polymerase chain reaction, valving, and electrophoresis in a plastic device for bacterial detection. <i>Anal Chem</i> <b>75</b> , 4591-8.		
	C20	Lagally, E.T., Scherer, J.R., Blazej, R.G., Toriello, N.M., Diep, B.A., Ramchandani, M., Sensabaugh, G.F., Riley, L.W., and Mathies, R.A. (2004) Integrated portable genetic analysis microsystem for pathogen/infectious disease detection. <i>Anal Chem</i> <b>76</b> , 3162-70.		
	C21	Lawrence, J.R., et al., "Computer-enhanced darkfield microscopy for the quantitative analysis of bacterial growth and behavior on surfaces." <i>J. Microbial. Methods</i> 10:123-138.		
	C22	Lloyd, D., and Hayes, A.J. (1995) Vigour, vitality and viability of microorganisms. <i>FEMS Microbio Lett</i> <b>133</b> , 1-7.		
	C23	Maeyama, R., Mizunoe, Y., Anderson, J.M., Tanaka, M., and Matsuda, T. (2004) Confocal imaging of biofilm formation process using fluoroprobed <i>Escherichia coli</i> and fluoro-stained exopolysaccharide. <i>J Biomed Mater Res A</i> <b>70</b> , 274-82.		
	C24	Markx, G.H. et al., "Dielectrophoretic characterization and separation of micro-organisms" <i>Microbiology</i> , 140, 585-591 (1994).		
	C25	Markx, G.H. et al., "Dielectrophoretic Separation of Cells: Continuous Separation;" <i>Biotechnol. Bioeng.</i> 45, 337-343 (1995)		

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U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

<b>Substitute for form 1449A/PTO (Modified)</b>  <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  (use as many sheets as necessary)			<b>Complete if Known</b>		
			Application Number	10/084,632	
			Filing Date	February 25, 2002	
			First Named Inventor	Starzl et al.	
			Art Unit	1641	
			Examiner Name	Leon Yun Bon Lum	
Sheet	6	of	7	Attorney Docket Number	Docket 1459/US/2 459761-26

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No.	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>6</sup>
	C26	Meinders, J.M., Van der Mei, H.C., and Busscher, H.J. (1992) In situ enumeration of bacterial adhesion in a parallel plate flow chamber - elimination or in focus flowing bacteria from the analysis. <i>J Microbiol Methods</i> 16, 119-24.	
	C27	Miller, C., Thomsen, L.E., Gaggero, C., Mosseri, R., Ingmer, H., and Cohen, S.N. (2004) SOS response induction by beta-lactams and bacterial defense against antibiotic lethality. <i>Science</i> 305, 1629-31.	
	C28	Mueller, M., de la Pena, A., and Derendorf, H. (2004) Issues in pharmacokinetics and pharmacodynamics of anti-infective agents: kill curves versus MIC. <i>Antimicrob Agents Chemother</i> 48, 369-77.	
	C29	Ozkan, M., Pisanic, T., Scheel, J., Barlow, C., Esener, S.C., and Bhatia, S.N. (2003) Electro-Optical Platform for the Manipulation of Live Cells. <i>Langmuir</i> 19, 1532-38.	
	C30	Rosch, P., Harz, M., Schmitt, M., Peschke, K.D., Ronneberger, O., Burkhardt, H., Motzkus, H.W., Lankers, M., Hofer, S., Thiele, H., and Popp, J. (2005) Chemotaxonomic identification of single bacteria by micro-Raman spectroscopy: application to clean-room-relevant biological contaminations. <i>Appl Environ Microbiol</i> 71, 1626-37.	
	C31	Rowe, C.A., Tender, L.M., Feldstein, M.J., Golden, J.P., Scruggs, S.B., MacCraith, B.D., Cras, J.J., and Ligler, F.S. (1999) Array biosensor for simultaneous identification of bacterial, viral, and protein analytes. <i>Anal Chem</i> 71, 3846-52.	
	C32	Sapsford, K.E., Rasooly, A., Taitt, C.R., and Ligler, F.S. (2004) Detection of campylobacter and Shigella species in food samples using an array biosensor. <i>Anal Chem</i> 76, 433-40.	

Examiner Signature	Date Considered
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	C33	Stewart, E.J., Madden, R., Paul, G., and Taddei, F. (2005) Aging and death in an organism that reproduces by morphologically symmetric division. <i>PLoS Biol</i> 3, e45.		
	C34	Tison, D.L. (1990) Culture confirmation of Escherichia coli serotype 0157:H7 by direct immunofluorescence. <i>J Clin Microbiol</i> 28, 612-3.		
	C35	Weeratna et al., "Gene Expression Profiling: From Microarrays to Medicine", <i>J. Cini. Immunol.</i> 24:213 (2004)		
	C36	Wit, P., and Busscher, H.J. (1998) Application of an artificial neural network in the enumeration of yeasts and bacteria adhering to solid substrata. <i>J Microbiol Methods</i> 32, 281-90.		

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